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LEGISLATURE OF THE STATE OF IDAHO  
Sixty-third Legislature First Regular Session - 2015  
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1 AN ACT  
2 RELATING TO DEBRIS; AMENDING SECTION 18-3906, IDAHO CODE, TO REVISE THE  
3 PENALTY FOR PLACING DEBRIS ON A HIGHWAY; AMENDING SECTION 18-7031,  
4 IDAHO CODE, TO REVISE THE PENALTY FOR PLACING DEBRIS ON PUBLIC OR PRI-  
5 VATE PROPERTY.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 18-3906, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 18-3906. PLACING DEBRIS ON HIGHWAYS. (1) If any person shall wilfully  
10 or negligently throw from any vehicle, place, deposit or permit to be de-  
11 posited upon or alongside of any highway, street, alley or easement used  
12 by the public for public travel, any ~~debris~~, paper, litter, glass bottle,  
13 glass, ~~nails, tacks, hoops~~, cans, ~~barbed wire, boards~~, trash or garbage,  
14 ~~lighted material~~, or other waste substance, such persons shall, upon con-  
15 viction thereof, constitute an infraction and be punished by a fine not  
16 exceeding three two hundred dollars (\$3200) or by imprisonment in the county  
17 jail not exceeding ten (10) days.

18 (2) If any person shall negligently throw from any vehicle, place, de-  
19 posit or permit to be deposited upon or alongside of any highway, street,  
20 alley or easement used by the public for public travel, any debris, nails,  
21 tacks, hoops, barbed wire, boards or lighted material, such persons shall,  
22 upon conviction thereof, constitute an infraction and be punished by a fine  
23 not exceeding three hundred dollars (\$300).

24 (3) If any person shall willfully throw from any vehicle, place, de-  
25 posit or permit to be deposited upon or alongside of any highway, street,  
26 alley or easement used by the public for public travel, any debris, nails,  
27 tacks, hoops, barbed wire, boards or lighted material, such persons shall,  
28 upon conviction thereof, constitute a misdemeanor and be punished by a fine  
29 not exceeding five hundred dollars (\$500) but no imprisonment.

30 (4) A second conviction under subsection (2) or (3) of this section  
31 within two (2) years of the first conviction shall constitute a misdemeanor  
32 and be punished by a fine not exceeding one thousand dollars (\$1,000) but no  
33 imprisonment. A third conviction under subsection (2) or (3) of this section  
34 within four (4) years of the first conviction shall constitute a misdemeanor  
35 and be punished by a fine not exceeding one thousand dollars (\$1,000) and by  
36 imprisonment in the county jail not exceeding thirty (30) days.

37 (5) For the purposes of this section, the terms "highway," "street,"  
38 "alley" or "easement" shall be construed to include the entire right of way  
39 of such highway, street, alley or easement. The Idaho transportation de-  
40 partment is directed to post along state highways, at convenient and appro-  
41 priate places, notices of the context of said law.

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1           (26) Notwithstanding the provisions of section 19-4705, Idaho Code,  
2 the court may order that fifty dollars (\$50.00) of the fine imposed under the  
3 provisions of this section be paid by the defendant to the person or persons,  
4 other than the officer making the arrest, who, in the judgment of the court,  
5 provided information that led directly to the arrest and conviction of the  
6 defendant.

7           SECTION 2. That Section 18-7031, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9           18-7031. PLACING DEBRIS ON PUBLIC OR PRIVATE PROPERTY ~~A MISDE-~~  
10 ~~MEANOR~~. It shall constitute an misdemeanor infraction for any person, natu-  
11 ral or artificial, to deposit upon any public or private property within this  
12 state any debris, paper, litter, glass bottles, glass, nails, tacks, hooks,  
13 cans, barbed wire, boards, trash, garbage, lighted material or other waste  
14 substances on any place not authorized by any county, city, village or the  
15 owner of such property, and is punishable ~~by imprisonment in a county jail~~  
16 ~~not exceeding six (6) months, or by a fine not exceeding one thousand three~~  
17 ~~hundred dollars (\$1,0300), or both.~~ A second conviction under this section  
18 within two (2) years of the first conviction shall constitute a misdemeanor  
19 and be punished by a fine not exceeding one thousand dollars (\$1,000) but no  
20 imprisonment. A third conviction under this section within four (4) years  
21 of the first conviction shall constitute a misdemeanor and be punished by a  
22 fine not exceeding one thousand dollars (\$1,000) and by imprisonment in the  
23 county jail not exceeding thirty (30) days. Additionally, a peace officer  
24 or state fish and game personnel supervised public service of not less than  
25 eight (8) hours and not more than forty (40) hours may be imposed to clean  
26 up and to properly dispose of debris from public property, or from private  
27 property with the written consent of the private property owner, as ordered  
28 by the court.